

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Melanie Smith v. Leland Dudek, Acting Commissioner of Social
Security

Smith v. Dudek · No. 2:24-cv-01842-EFB · Decided May 12, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Melanie Smith’s motion for attorney fees under the Equal Access to Justice Act. The court awards \$5,099.76 for 20.25 hours of work at an hourly rate of \$251.84 following a sentence-four remand in the Social Security action. The award is payable to the plaintiff and may be paid directly to counsel pursuant to an assignment if no federal debt requires offset.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Edmund F. Brennan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 12, 2025
DOCKET	2:24-cv-01842-EFB
DISPOSITION	other
PROCEDURAL POSTURE	After the parties stipulated to a sentence-four remand of plaintiff's Social Security action and judgment was entered for plaintiff, plaintiff moved for attorney fees under the Equal Access to Justice Act.
STANDARD OF REVIEW	The court evaluated EAJA eligibility, substantial justification, special circumstances, and the reasonableness of the requested fees under the applicable statutory standards.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Melanie Smith v. Leland Dudek, Acting Commissioner of Social Security

TOPICS

- attorney fees
- judicial review of agency action
- remedies
- civil procedure

PRACTICE AREAS

Social Security

administrative law

attorney fees

civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff qualified as a prevailing party under the EAJA after obtaining a sentence-four remand in her Social Security action.
2. Whether the government established that its position was substantially justified or that special circumstances made an EAJA award unjust.
3. Whether the requested attorney fees of \$5,099.76, based on 20.25 hours at \$251.84 per hour, were reasonable.
4. Whether the EAJA fee award should be payable to plaintiff or directly to plaintiff's counsel.

HOLDINGS

1. A Social Security claimant who obtains a sentence-four remand is a prevailing party for purposes of the EAJA.
2. The plaintiff was entitled to EAJA fees because the government made no showing that its position was substantially justified or that special circumstances made an award unjust.
3. The requested award of \$5,099.76 was reasonable and should be granted.
4. The EAJA award is payable to plaintiff and is subject to offset for qualifying federal debt; if no such debt exists, payment may be made directly to counsel under plaintiff's assignment.

KEY QUOTATIONS

"A party who obtains a remand in a Social Security case is a prevailing party for purposes of the EAJA." (1)

"Accordingly, the court concludes that the EAJA fee award shall be made payable to plaintiff; if, however, plaintiff does not owe a government debt, then the order should not be construed to preclude the payment directly to plaintiff's counsel pursuant to plaintiff's assignment." (5)

FACTUAL BACKGROUND

Smith brought a Social Security action that was remanded for further administrative proceedings pursuant to the parties' stipulation. She sought \$5,099.76 in EAJA attorney fees, based on 20.25 hours of work at an hourly rate of \$251.84. The Commissioner did not oppose the fee motion and made no showing that the government's position was substantially justified or that special circumstances made an award unjust.

PROCEDURAL HISTORY

Plaintiff filed the Social Security action on July 1, 2024. On December 15, 2024, the court entered an order remanding the matter for further administrative proceedings under sentence four of 42 U.S.C. § 405(g) and entered judgment for plaintiff. Plaintiff then sought \$5,099.76 in EAJA fees; the Commissioner did not oppose the motion.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002)
- *Shalala v. Schaefer*, 509 U.S. 292, 300-01 (1993)
- *Gutierrez*, 274 F.3d at 1257
- *Atkins v. Apfel*, 154 F.3d 986, 987-88 (9th Cir. 1998)
- *Blum v. Stenson*, 465 U.S. 886, 897 (1984)
- *Perez-Arellano v. Smith*, 279 F.3d 791, 793 (9th Cir. 2002)
- *Comm'r, INS v. Jean*, 496 U.S. 154, 163 (1990)
- *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983)
- *Thangaraja v. Gonzales*, 428 F.3d 870, 876-77 (9th Cir. 2005)
- *Costa v. Comm'r of Soc. Sec. Admin.*, 690 F.3d 1132, 1136 (9th Cir. 2012)
- *Patterson v. Apfel*, 99 F. Supp. 2d 1212, 1214 n.2 (C.D. Cal. 2000)
- *Sanchez v. Berryhill*, No. 1:16-cv-01081-SKO, 2018 WL 509817, at *2 (E.D. Cal. Jan. 23, 2018)
- *Knyazhina v. Colvin*, No. 2:12-cv-2726 DAD, 2014 WL 5324302, at *1 (E.D. Cal. Oct. 17, 2014)
- *Astrue v. Ratliff*, 560 U.S. 586, 592-93 (2010)
- *Garcia v. Kijakazi*, No. 121CV00427JLTBAM, 2022 WL 1538401, at *3 (E.D. Cal. May 16, 2022), report and recommendation adopted, No. 121CV00427JLTBAM, 2022 WL 2052692 (E.D. Cal. June 7, 2022)
- *Blackwell v. Astrue*, No. CIV 08-1454 EFB, 2011 WL 1077765, at *5 (E.D. Cal. Mar. 21, 2011)
- *Dorrell v. Astrue*, No. CIV 09-0112 EFB, 2011 WL 976484, at *2-3 (E.D. Cal. Mar. 17, 2011)
- *Calderon v. Astrue*, No. 1:08-cv-01015 GSA, 2010 WL 4295583, at *8 (E.D. Cal. Oct. 22, 2010)
- *Garcia v. Kijakazi*, No. 1:22-CV-00255-SKO, 2023 WL 4135221, at *2-3 (E.D. Cal. June 22, 2023)
- *Thompson v. Colvin*, No. 2:12-cv-01850-AC, 2015 WL 1767733, at *2 (E.D. Cal. Apr. 16, 2015)
- *Boulanger v. Astrue*, No. 2:07-cv-0849-DAD, 2011 WL 4971890, at *2 (E.D. Cal. Oct. 19, 2011)
- *Valleyjo v. Astrue*, No. 2:09-cv-03088 KJN, 2011 WL 4383636, at *5 (E.D. Cal. Sept. 20, 2011)

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